

# Agenda

# County of Inyo Planning Commission

Board of Supervisors Room  
Inyo County Administrative Center  
Independence, California

**LANIE SOMERS**  
**CAITLIN (KATE) J. MORLEY**  
**TODD VOGEL**  
**CALLIE PEEK**  
**SCOTT KEMP**

**FIRST DISTRICT**  
**SECOND DISTRICT (CHAIR)**  
**THIRD DISTRICT (VICE CHAIR)**  
**FOURTH DISTRICT**  
**FIFTH DISTRICT**

Inyo County Planning Commission  
Post Office Drawer L  
Independence, CA 93526  
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CATHREEN RICHARDS  
PAULA RIESEN  
MICHAEL ERRANTE  
CLINT QUILTER  
GRACE CHUCHLA

PLANNING DIRECTOR  
PROJECT COORDINATOR  
PUBLIC WORKS DIRECTOR  
COUNTY ADMINISTRATOR  
DEPUTY COUNTY COUNSEL

**NOTICE TO THE PUBLIC:** In order to minimize the spread of the COVID-19 virus, Governor Newsom has issued Executive Orders that temporarily suspend certain requirements of the Brown Act. Please be advised that the Planning Commission will be conducting its hearing exclusively via videoconference by which Planning Commission Members and staff will be participating. The videoconference will be accessible to the public by computer, tablet or smartphone at:

<https://us02web.zoom.us/j/88254130309?pwd=TDJWa3lmWE1Ta1l0QmxucmozY0hpZz09>

You can also dial in by phone at 1-669-900-6833 Meeting Id: 882 5413 0309 and then enter Passcode: 531495. Public Comment may be provided by emailing the comments prior to the meeting. All emailed comments will be read into the record, and the Planning Commission will take that feedback into consideration as it deliberates. Please send comments to: [inyoplanning@inyocounty.us](mailto:inyoplanning@inyocounty.us)

Items will be heard in the order listed on the agenda unless the Planning Commission rearranges the order or the items are continued. Estimated start times are indicated for each item. The times are approximate and no item will be discussed before its listed time.

Lunch Break will be given at the Planning Commission's convenience.

The Planning Commission Chairperson will announce when public testimony can be given for items on the Agenda. The Commission will consider testimony on both the project and related environmental documents.

The applicant or any interested person may appeal all final decisions of the Planning Commission to the Board of Supervisors. Appeals must be filed in writing to the Inyo County Board of Supervisors within 15 calendar days per ICC Chapter 15 [California Environmental Quality Act (CEQA) Procedures] and Chapter 18 (Zoning), and 10 calendar days per ICC Chapter 16 (Subdivisions), of the action by the Planning Commission. If an appeal is filed, there is a fee of \$300.00. Appeals and accompanying fees must be delivered to the Clerk of the Board Office at County Administrative Center Independence, California. If you challenge in court any finding, determination or decision made pursuant to a public hearing on a matter contained in this agenda, you may be limited to raising only those issues you or someone else raised at the public hearing, or in written correspondence delivered to the Inyo County Planning Commission at, or prior to, the public hearing.

**Public Notice:** In Compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting please contact the Planning Department at (760) 878-0263 (28 CFR 35.102-3.104 ADA Title II). Notification 72 hours prior to the meeting will enable the County to make reasonable arrangements to ensure accessibility to this meeting. Should you because of a disability require appropriate alternative formatting of this agenda, please notify the Planning Department 2 hours prior to the meeting to enable the County to make the agenda available in a reasonable alternative format (Government Code Section 54954.2).

## July 28, 2021

10:00  
A.M.

1. **PLEDGE OF ALLEGIANCE.**
2. **ROLL CALL** – Roll Call to be taken by staff.
3. **PUBLIC COMMENT PERIOD** – This is the opportunity for anyone in the audience to address the Planning Commission on any planning subject that is not scheduled on the Agenda.

- Action Item** 4. **APPROVAL OF MINUTES** – Approval of minutes from the April 28, 2021 Planning Commission Meeting.
- Action Item** 5. **APPROVAL OF MINUTES** – Approval of minutes from the May 26, 2021 Planning Commission Meeting.
- Action Item Public Hearing** 6. **BISHOP AIRPORT HANGER – NEGITIVE DECLARATION** – The Inyo County Planning Commission will consider approval of a Negative Declaration/Initial Study (MND/IS) for the proposed Commercial Airline Service at the Bishop Airport, which would allow for the introduction of commercial service at the Bishop Airport by United Express.
- Action Item Public Hearing** 7. **CONDITIONAL USE PERMIT-2021-02/ VARIANCE-2021-02/COOK - -** The applicant has applied for a Conditional Use Permit to allow for the cultivation of hemp. The applicant is also seeking a yard Variance, which would allow for hemp cultivation to occur within five feet of the property line. The project area was previously used as a garden and a lawn and is located near the community of Lone Pine.

**COMMISSIONERS' REPORT/COMMENTS**

Commissioners to give their report/comments to staff.

**PLANNING DIRECTOR'S REPORT**

Planning Director, Cathreen Richards, will update the Commission on various topics.

**CORRESPONDENCE – INFORMATIONAL**

# COUNTY OF INYO

## PLANNING COMMISSION

### MINUTES OF APRIL 28, 2021 MEETING

**COMMISSIONERS:**

FRANK STEWART  
CAITLIN (KATE) J. MORLEY  
TODD VOGEL  
CALLIE PEEK  
SCOTT KEMP

FIRST DISTRICT  
SECOND DISTRICT (CHAIR)  
THIRD DISTRICT (VICE)  
FOURTH DISTRICT  
FIFTH DISTRICT

Inyo County Planning Commission  
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**STAFF:**

CATHREEN RICHARDS  
GRACE CHUHLA  
PAULA RIESEN  
CLINT QUILTER  
MIKE ERRANTE

PLANNING DIRECTOR  
DEPUTY COUNTY COUNSEL  
PROJECT COORDINATOR  
COUNTY ADMINISTRATOR  
PUBLIC WORKS DIRECTOR

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The Inyo County Planning Commission met in regular session on Wednesday, April 28, 2021, using Zoom for our meeting. Commissioner Morely opened the meeting at 10:01 a.m.

These minutes are to be considered for approval by the Planning Commission at their next scheduled meeting.

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**ITEM 1:**     **PLEDGE OF ALLEGIANCE** – All recited the Pledge of Allegiance at 10:01 a.m.

**ITEM 2:**     **ROLL CALL** - Commissioners: Caitlin Morley, Todd Vogel, Frank Stewart, and Callie Peek were present.

Staff present: Cathreen Richards, Planning Director; Paula Riesen, Project Coordinator, and Grace Chuhla, Deputy County Counsel.

Staff absent: Clint Quilter, County Administrator; Michael Errante, Public Works Director.

**ITEM 3:**     **PUBLIC COMMENT PERIOD** – This item provides the opportunity for the public to address the Planning Commission on any planning subject that is not scheduled on the Agenda.

Chair Morley opened the Public Comment Period at 10:03 a.m.

With no one wishing to comment Chair Morley closed the public comment period at 10:04 a.m.

**ITEM 4:**     **APPROVAL OF MINUTES (Action Item)** – Approval of the Minutes from the March 24, 2021 meeting of the Planning Commission.

**MOTION:**     Commissioner Todd Vogel made the motion to approve the minutes. Then the motion was seconded by Commissioner Frank Stewart.

Project Coordinator, Paula Riesen proceeded with roll call for each vote.

The Motion passed 4-0 at 10:05 a.m.

**ITEM 5:**     **CONDITIONAL USE PERMIT-2021-01/ CHIEF FARMS** – The applicant has applied, and met the requirements for, a Conditional Use Permit near the community of Pearsonville, in southern Inyo County. The permit would allow, following approval from the Inyo Planning Commission, for commercial cannabis microbusiness on the property. The microbusiness would include the cultivation, manufacturing, and distribution of cannabis products.

Steve Karamitros, Senior Planner, presented staff report.

Commissioner Frank Stewart asked for some clarification on Condition # 4 of the permit's Conditions of Approval. The current presentations of the different biological studies were all grouped together in a single statement. Commissioner Stewart asked that each of the required biological studies be listed separately so that none of the studies would be missed.

Planning Director Cathreen Richards assured Commissioner Stewart that the correction to the listing of Condition #4 would be made for the final approved permit.

Chair Morley opened the Public Hearing at 10:21 a.m.

With no one wishing to speak Chair Morley closed the Public Hearing at 10:22 a.m.

**MOTION:**     Commissioner Frank Stewart stated he was happy with the information the applicant had provided then made a motion to approve Conditional Use Permit-2021-01/Chief Farms, subject to findings 1-7 with a correction made to Condition # 4 (listing the required pre-construction biological reporting), and the conditions of approval 1-6, a second was made by Commissioner Todd Vogel.

Project Coordinator, Paula Riesen proceeded with roll call for each vote.

The Motion passed 4-0 at 10:23 a.m.

**ITEM 6:**     **VARIANCE-2021-01/O'SULLIVAN** - The applicant has applied, and met the requirements for, a front-and-side-yard setback Variance to create an addition to the primary dwelling. This variance would allow the applicant/owner to more reasonably accommodate a second dwelling unit on the eastern side of the property. The property's

zoning designation (R2) allows for multiple dwellings. This variance is meant to accommodate that principle use. The property is located at 190 South Lone Pine Ave., in Lone Pine.

Steve Karamitros, Senior Planner, presented staff report.

Commissioner Peek asked if the house currently meets the encroachment standards.

Mr. Karamitros answered no it does not currently meet standards.

Chair Morley asked if any of the neighbors had any comments.

Mr. Karamitros answered there have been no comments.

Chair Morley opened the Public Hearing at 10:33 a.m.

With no one wishing to speak Chair Morley closed the Public Hearing at 10:33 a.m.

**MOTION:** Commissioner Todd Vogel made a motion to approve the Variance-2021-01/O'Sullivan – subject to findings 1-7, the conditions of approval (1-2) as presented in Planning's staff report, and certify that the project is exempt under CEQA. A second was made by Commissioner Callie Peek.

Project Coordinator, Paula Riesen proceeded with roll call for each vote.

The Motion passed 4-0 at 10:20 a.m.

**ITEM 7:** **HOUSING ELEMENT UPDATE** - Staff has prepared a Public Review Draft for the 2021 General Plan Housing Element update. The update incorporates the requirements of new relevant legislation, the Regional Housing Needs Allocation (RHNA) stipulated by the State, and new demographic information. This draft is being presented to the Planning Commission and public for questions, comments and suggestions.

Cathreen Richards, Planning Director, presented the Housing Element Update.

Following the presentation there was a brief discussion, as a result of pending updates from the state.

**COMMISSIONERS' REPORT/COMMENTS –**

None at this time.

**DIRECTOR'S REPORT –**

Planning Director Cathreen Richards stated that there will need to be a May 26, 2021 meeting due to pending projects. Also, at this time there may be a possibility that June Planning Commission may be cancelled due to lack of items to bring to the Commission.

**ADJOURNMENT** –

With no further business, Chair Kate Morley requested a motion to adjourn the meeting at 11:13 am. The next meeting will be set for be May 26, 2021, at 10:00 a.m.

Motion by Commissioner Frank Stewart.

Seconded by Commissioner Callie Peek.

Project Coordinator, Paula Riesen proceeded with roll call for each vote.

Motion passed 4-0.

Prepared by:  
Paula Riesen  
Inyo County Planning Department

# COUNTY OF INYO

## PLANNING COMMISSION

### MINUTES OF MAY 26, 2021 MEETING

**COMMISSIONERS:**

FRANK STEWART  
CAITLIN (KATE) J. MORLEY  
TODD VOGEL  
CALLIE PEEK  
SCOTT KEMP

FIRST DISTRICT  
SECOND DISTRICT (CHAIR)  
THIRD DISTRICT (VICE)  
FOURTH DISTRICT  
FIFTH DISTRICT

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**STAFF:**

CATHREEN RICHARDS  
GRACE CHUHLA  
PAULA RIESEN  
CLINT QUILTER  
MIKE ERRANTE

PLANNING DIRECTOR  
DEPUTY COUNTY COUNSEL  
PROJECT COORDINATOR  
COUNTY ADMINISTRATOR  
PUBLIC WORKS DIRECTOR

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The Inyo County Planning Commission met in regular session on Wednesday, April 28, 2021, using Zoom for our meeting. Commissioner Morely opened the meeting at 10:01 a.m.  
These minutes are to be considered for approval by the Planning Commission at their next scheduled meeting.

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**ITEM 1:**     **PLEDGE OF ALLEGIANCE** – All recited the Pledge of Allegiance at 10:0 a.m.

**ITEM 2:**     **ROLL CALL** - Commissioners: Caitlin Morley, Todd Vogel, Frank Stewart, and Scott Kemp were present.

Staff present: Cathreen Richards, Planning Director; Paula Riesen, Project Coordinator, and Grace Chuhla, Deputy County Counsel.

Staff absent: Clint Quilter, County Administrator; Michael Errante, Public Works Director.

**ITEM 3:**     **PUBLIC COMMENT PERIOD** – This item provides the opportunity for the public to address the Planning Commission on any planning subject that is not scheduled on the Agenda.

Chair Morley opened the Public Comment Period at 10:02 a.m.

With no one wishing to comment Chair Morley closed the public comment period at 10:03 a.m.



**ITEM 4:**

**AMENDMENT TO CONDITIONAL USE PERMIT (CUP-1978-09); RECLAMATION PLAN UPDATE (RP-78-02)/TWIN MOUNTAIN ROCK VENTURE LLC** - The applicant has applied for an amendment to an existing mine site. The proposed Plan will include updating the current plans for completing mining in the main quarry and extending mining operations to the northeast away from US 395 in order to utilize the on-site cinder reserves. Approximately 10,714,286 cubic yards of material will be extracted from the site over a 100-year timespan. A Mitigated Negative Declaration of Environmental Impact has been prepared and publicly noticed pursuant to the California Environmental Quality Act.

Ryan Standridge, Associate Planner, & SMARA Coordinator presented staff report.

Chair Morley asked for clarification on the proposed expansion disturbances.

Ms. Standridge stated the proposed expansion is 35.5 acres but with road disturbances the total disturbed area is 45 acres.

Chair Morley asked if there are is existing habitat there.

Ms. Standridge stated that the applicant proposed the fencing at the recommendation of their consultant to prevent habitat entering the pit.

Chair Morley opened the Public Hearing at 10:13 a.m.

Jack Patel spoke addressing the Commission stated they are looking forward to complying and thanked the Commission for the consideration of allowing them to making the changes to meet the mining standards.

Chair Morley closed the Public Hearing at 10:15 a.m.

**MOTION:** Commissioner Frank Stewart made a motion to adopt the Negative Declaration of the CEQA to Amen Cup-1978-09 & Reclamation Plan Update RP-78-02/Twin Mountain Rock Venture LLC. Commissioner Todd Vogel made the second.

Project Coordinator, Paula Riesen proceeded with roll call for each vote.

The Motion passed 4-0 at 10:18 a.m.

**ITEM 5:**

**Dark Sky Ordinance Update** – The Commission will receive an update on the County's efforts to develop a Dark Sky Ordinance - The Commission received a summary of the feedback from community meetings in Bishop, Independence, and Lone Pine, as well as the workshop with the Planning Commission in February of 2019. Staff mentioned that they have been working with the Dark Skies working group to gain a better understanding of the elements that are currently regulated by the California Building Standards, and the issues that the County may consider regulating beyond current State regulation. Staff presented some elements that could be incorporated into a County



ordinance, based on community feedback and the public presentations to the Commission.

Steve Karamitros, Senior Planner presented an updated staff report.

Chair Morley opened the Public Hearing at 10:53 a.m.

Linda Chaplin wanted to know if there was any funding for the Dark Skies Initiative. Also, she has many concerns regarding neighbors and wildlife. She would like to see the county move forward with more Dark Skies.

Mr. Karamitros answered that there were no grants or programs funding staff's work on the Dark Skies Ordinance.

Eric asked if the Dark Skies is going to be in a designated area or throughout the County.

Mr. Karamitros answered that the ordinance would cover only Inyo County's jurisdiction.

Mark asked if this will apply to historical lighting of neon signs.

Mr. Karamitros answered that based on community feedback, the County's ordinance could be written so that signs of historical importance are exempted from shielding & other rules

Barbie asked how residences would be handled with too much outdoor lighting. As an example, how would neighbors outside flood lights be handled?

Mr. Karamitros answered that residential lighting requirements (required shielding, temperatures, motion sensors, etc.) could be included in a potential ordinance.

Eric asked if dark skies would be added to county code.

Mr. Karamitros answered that the Dark Skies outdoor lighting rules could become ordinance, if Board of Supervisors & Planning Commission wanted to move ahead with that, based on the residents' responses. The community meetings seem to indicate that people prefer to not have rule that are too invasive or prohibitive. Mr. Karamitros said that today's feedback would be added to Staff's research into the possible Dark Skies ordinance.

Planning Director Cathreen Richards thanked everyone for their input on this meeting, and said we would be asking for more input from the public on their thoughts regarding Dark Skies since we are compiling information to take and present it to the County Board of Supervisors, possibly by the end of the year.

Chair Morley closed the Public Hearing at 11:12 a.m.

**COMMISSIONERS' REPORT/COMMENTS –**

Chair Morley stated that she has been following the CCPCA conference and it looks like they are moving forward with this year's conference. She is hoping to attend since last year was cancelled.

Chair Morley also wanted to thank Frank Stewart for all of his years of service to the Planning Commission, and wish him safe travels in his retirement.

**DIRECTOR'S REPORT –**

Planning Director, Cathreen Richards stated that June 23, 2021 Planning Commission will be cancelled due to lack of agenda items.

**ADJOURNMENT –**

With no further business, Chair Kate Morley requested a motion to adjourn the meeting at 11:13 am. The next meeting will be set for be July 28, 2021, at 10:00 a.m.

Commissioner Frank Stewart made his final motion to close the meeting.

Seconded by Commissioner Todd Vogel.

Project Coordinator, Paula Riesen proceeded with roll call for each vote.

Motion passed 4-0.

Prepared by:  
Paula Riesen  
Inyo County Planning Department



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**AGENDA ITEM NO.:** 6 (Action Item – Public Hearing)

**PLANNING COMMISSION  
MEETING DATE:** July 28, 2021

**SUBJECT:** Approval of the Negative Declaration for the Proposed Airline Service at the Bishop Airport

**PROJECT INFORMATION**

**Supervisory District:** District 3

**Project Applicant:** Inyo County Public Works

**Community:** Bishop

**Staff Recommended Action:** 1.) Approve the Negative Declaration

**Alternatives:** 1.) Deny the Negative Declaration  
2.) Approve the Negative Declaration with additional conditions of approval  
3.) Continue the public hearing to a future date, and provide specific direction to staff regarding what additional information and analysis is needed.

**Project Manager:** Ashley Helms

**STAFF ANALYSIS**

**Background and Overview**

Inyo County has recognized an unmet demand for commercial air passenger service in the Eastern Sierra region. Commercial airline service to the region has only been offered at Mammoth Yosemite Airport (until the spring of 2020), located approximately 45 miles northwest of the Bishop Airport (BIH). While commercial air passenger service to MMH has been successful overall, there have been challenges that have resulted in unmet demand. Inyo County approached the Federal Aviation Administration (FAA) in 2014 about introducing commercial air passenger service at BIH. For the last seven years Inyo County has worked closely with the FAA, the Town of Mammoth Lakes, Mammoth Lakes Tourism and Mammoth Mountain Ski Area with the goal of ensuring continuity of commercial air passenger service in the region. In October of 2020, United Airlines submitted a Letter of Intent to begin service to BIH with United Express (operated by SkyWest) in the fall of 2020; due to the pandemic travel restrictions in 2020, the intent letter was updated in February 2021 to indicate a start of service in the fall of 2021.

To allow for the introduction of commercial air passenger service at BIH, Inyo County seeks to obtain a Part 139 Airport Operating Certificate for BIH from the FAA to accommodate scheduled or unscheduled commercial air passenger service. SkyWest Airlines seeks amendment of its operations specifications which would allow it to offer commercial air passenger service at BIH beginning in 2021. The Inyo County Board of Supervisors would issue approval of the Use and Licensing Agreement with United Airlines to begin commercial air passenger service at BIH.

Commercial air passenger service would begin with one arrival and one departure per day during the summer and shoulder seasons (approximately April 16 through December 14) and three arrivals and three departures per day during the winter season (approximately December 15 through April 15). Service during the summer and shoulder seasons would consist of one flight daily between Los Angeles International Airport (LAX) and BIH. Service during the winter season would initially consist of one flight daily between LAX and BIH, Denver International Airport and BIH, and San Francisco International Airport and BIH. It is anticipated that the air service to BIH may increase by three flights (6 operations) during the winter season by the year 2028.

### **Environmental Review**

The environmental review document file is too large to include as an attachment to this staff report, but the complete Final Draft Initial Study/Negative Declaration (IS/ND) document can be viewed at the following link: <https://www.inyocounty.us/services/planning-department/current-projects>.

An Initial Study has been prepared pursuant to the California Environmental Quality Act (CEQA) to determine if the introduction of scheduled commercial air passenger service at Bishop Airport (Airport) may have significant effects on the environment. This ND has been prepared based on the assessment presented in the *Proposed Airline Service at the Bishop Airport Initial Study*.

A Notice of Intent to Adopt a Negative Declaration was publicly noticed in the Inyo Register on March 2, 2021 and in the Mammoth Times on March 4, 2021, beginning a 41-day review window. On March 4, 2021 the Notice of Availability for Public Review was filed with the Inyo County Recorder's Office and the Notice of Completion with the State Clearing House. A Public Workshop to discuss the analyses presented in the Draft IS/ND was held on April 1, 2021. Four comments were received, all comments were addressed in the Draft Final IS/ND. This public hearing was noticed in the Inyo Register on July 15, 2021.

### **Tribal Consultation**

California Assembly Bill 52 requires tribal consultation for any projects requiring a negative declaration, mitigated negative declaration, or environmental impact report. Pursuant to Public Resources Code Section 21080.3.1, Tribes have 30-days, after receiving invitations to consult on the proposed environmental document, to request consultation opportunities. In October, 2020, Inyo County Board of Supervisors sent a formal notification to representatives of the eight Native American tribes with traditional or cultural affiliation to the project area: Lone Pine Paiute-Shoshone Tribe, Fort Independence Indian Community of Paiutes, Timbisha Shoshone Tribe, Bishop Paiute Tribe and the Big Pine Paiute Tribe of the Owens Valley, Cabazon Band of Mission Indians, Torres Martinez Desert Cahuilla Indians, and the Twenty Nine Palms Band of Mission Indians. Responses were received from two tribes: the Cabazon Band of the Mission Indians and the Bishop Paiute Tribe. In an email dated October 28, 2020, the Cabazon Band of the Mission Indians indicated that they have no cultural resources that may be impacted by the Proposed Project and further consultation was not required. In an email dated October 24, 2020, the Bishop Paiute Tribe requested further consultation. The records of tribal consultation are provided in Appendix C of the Final Draft IS/ND.

## **RECOMMENDATION**

County staff recommends the approval of the Negative Declaration for the Proposed Airline Service at the Bishop Airport.

### **Findings**

1. The proposed project is an Initial Study with Negative Declaration under CEQA guidelines and the provisions of the California Environmental Quality Act have been satisfied.  
*[Evidence: Pursuant to Title 14 California Code Regulatory Sections 15000 et seq., the County has performed an Initial Study with a Negative Declaration in order to “consult with other County departments, agencies, groups, and individuals, which may provide information and assistance to the Planning Department during this phase of environmental review” (Inyo County Code Section 15.28.030). This document contains the necessary “project description, evaluation of environmental impacts that may be conducted using an environmental checklist supported by sufficient explanations, discussion of any potentially significant impacts and mitigation measures” (Inyo County Code Section 15.28.040).*



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**AGENDA ITEM NO.:** 7 (Action Item and Public Hearing)

**PLANNING COMMISSION  
MEETING DATE:** July 28, 2021

**SUBJECT:** CUP 2021-02/Cook; and VAR  
2021-02/Cook

**EXECUTIVE SUMMARY**

The applicant, Reginald Cook, sole owner and operator of Eastern Sierra Botanical, has applied for a Conditional Use Permit (CUP) for the cultivation of hemp on his property, located at 1 Hidden Valley Ranch Road, Lone Pine, CA with Assessor Parcel Number (APN) 026-070-09. Due to the shape of the parcel and underlying geology, the applicant has also applied for a Variance to encroach 295 feet into the required 300-foot setback. The CUP is being requested contingent on the Variance.

**PROJECT INFORMATION**

**Supervisory District:** 5

**Applicant:** Reginald Cook, Eastern Sierra Botanical

**Landowner:** Reginald Cook

**Community:** Lone Pine, CA

**A.P.N.:** 026-070-09

**Existing General Plan:** Rural Protection (RP)

**Existing Zoning:** Open Space, 40 acre minimum (OS-40)



**Surrounding Land Use:**

<b>Location</b>	<b>Use</b>	<b>General Plan Designation</b>	<b>Zone</b>
Site	Residential and agriculture	Rural Protection (RP)	Open Space, 40-acre minimum (OS-40)
North	Vacant	State and Federal Lands (SFL)	Open Space, 40-acre minimum (OS-40)
East	Vacant	State and Federal Lands (SFL)	Open Space, 40-acre minimum (OS-40)
South	Vacant	State and Federal Lands (SFL)	Open Space, 40-acre minimum (OS-40)
West	Vacant	State and Federal Lands (SFL)	Open Space, 40-acre minimum (OS-40)

**Recommended Action:**

- 1.) Approve the Conditional Use Permit 2021-02/Cook, and certify the project as a Negative Declaration under CEQA.
- 2.) Approve the Variance 2021-02/Cook, and certify the project as a Negative Declaration under CEQA.

**Alternatives:**

- 1.) Specify modifications to the proposal and/or the Conditions of Approval.
- 2.) Make specific findings and deny the application.
- 3.) Continue the public hearing to a future date, and provide specific direction to staff regarding additional information and analysis needed.

**Project Planner:**

Graham Meese

**BACKGROUND**

The applicant has applied for a CUP to cultivate hemp on his property located at 1 Hidden Valley Ranch Road, approximately two miles southwest of Lone Pine (vicinity map). In 2018 the applicant was granted a general plan amendment and zone reclassification with the intent to grow marijuana but instead decided to grow industrial hemp. The parcel is approximately 28-acres in size and currently used for residential and agricultural activities including a small vineyard, fruit and nut orchard, and vegetable garden. The property is zoned OS-40, which allows for hemp cultivation with a CUP. The applicant intends to cultivate hemp in three areas of the property totaling approximately 11,410 square feet and use one existing structure to cure the product before transport (see site map). The surrounding area is state and federal property zoned OS-40. The proposed project is in a remote location and is not within 600-feet of a school, daycare, park, or library; and therefore, is not prohibited by state or county exclusion areas.



The applicant has also applied for a variance of 295 feet to cultivate hemp within the 300-foot setback requirements. The available growing area in this parcel is constrained by the shape of the parcel and the unique rock formations found on the property as well as large areas of underground rocks. This property is located in a remote area surrounded by state and federal land zoned OS-40. The three cultivation sites have been previously disturbed and were used as a vegetable garden and lawn. The CUP is being requested contingent on the Variance.

## **STAFF ANALYSIS**

### **General Plan Consistency**

The goal of this project is to allow for a hemp cultivation operation. The project is consistent with the General Plan designation of Rural Protection (RP) as it provides for “low-intensity agriculture.” The RP General Plan designation is compatible with the existing Open-Space (OS-40) zoning designation. It is also compatible with the General Plan’s Conservation and Open Space Element’s Goal Agriculture (AG) 1.0: Provide and maintain a viable and diverse agriculture industry in Inyo County. The applicant is proposing to grow hemp. This activity is consistent with Goal AG 1.0, as it diversifies the types of agriculture that currently exist in the County.

### **Zoning Ordinance Consistency**

The proposed project is a CUP to allow for the commercial cultivation of hemp. The OS-40 zone allows for commercial hemp cultivation with a CUP as long as the project can meet the 300-foot setback requirement. Due to the shape of the parcel and underlying geology, the applicant has also applied for a variance to encroach 295 feet into the required 300-foot setback. The CUP is being requested contingent on the Variance. The Open Space zone, within its purpose statement, says that it is established to: encourage the protection of mountainous, hilly upland, valley, agricultural, potential agricultural, fragile desert areas, and other mandated lands from fire, erosion, soil destruction, pollution and other detrimental effects of intensive land use activities. This project will bring more agricultural activities to the county and is consistent with the Open Space purpose statement.

## **ENVIRONMENTAL REVIEW**

Conditional Use Permit 2021-02/Cook and Variance 2021-02/Cook are a Negative Declaration under CEQA. Planning Department staff deemed that the proposed project has no possibility of causing significant environmental effects because the project is occurring in a location that is already disturbed and was used previously as a vegetable garden and lawn. The applicant will be planting directly into the soil, and only naturally amending the soil with leaf mulch, and cow and horse manure. The plants will be watered using drip irrigation from an artesian spring located, and completely contained on the property. The flow from the spring under natural conditions at any time during the year does not create surface flow off of the property and thus is exempt from needing a water right. No listed threatened or endangered plant species are known to exist on the property and this project will not negatively impact the local community as it is located in an isolated valley surrounded by state and federal lands.

## **TRIBAL CONSULTATION**

In compliance with AB 52, SB 18, and Public Resource Code Section 21080.3.1(b), tribes identified as being local to Inyo County, were notified via a certified letter on May 13, 2021 about the project and the opportunity for consultation on this project. The tribes notified were as follows: Big Pine Tribe of Owens Valley, Bishop Paiute Tribe, Fort Independence Indian Community of Paiutes, Lone Pine Paiute-Shoshone Tribe, Timbisha Shoshone tribe, Twenty-Nine Palms Band of Mission Indians, Cabazon Band of Mission Indians, and the Torrez Martinez Desert Cahuilla Indians.

Inyo County has not received any responses to tribal consultation requests.

## **NOTICING & REVIEW**

The applications for CUP 2021-02/Cook and VAR 2021-02/Cook have been reviewed by the appropriate County departments with no comments indicating there are any issues with the request. The Mono Inyo County Agricultural department stated that if the applicant decides to use any pesticides they must first apply for an Operator ID from the Ag. Commissioner.

The project was noticed on July 15, 2021 in the Inyo Register and mailed to property owners within 300-feet of the project location. No comments have been received by staff to date.

## **RECOMMENDATIONS- CUP 2021-02/Cook**

Planning Department staff recommends the approval of Conditional Use Permit 2021-02/Cook and certify that it is exempt from CEQA.

## **FINDINGS**

1. The proposed Conditional Use Permit is a Negative Declaration under CEQA guidelines and the provisions of the California Environmental Quality Act have been satisfied.  
*[Evidence: Conditional Use Permit 2021-02 is a Negative Declaration under CEQA. The proposed project has no possibility of causing significant environmental effects because the project is occurring in a location that is already disturbed and had been used previously as a personal vegetable garden and lawn. The applicant will be planting directly into the soil, and only naturally amending the soil with leaf mulch, and cow and horse manure. The plants will be watered using drip irrigation from an artesian spring located and completely contained on the property. The flow from the spring under natural conditions at any time during the year does not create surface flow off of the property and thus is exempt from needing a water right. No listed threatened or endangered plant species are known to exist on the property and this project will not negatively impact the local community as it is located in an isolated valley surrounded by state and federal lands.]*
2. The proposed Conditional Use Permit is consistent with the Inyo County General Plan Land Use designation of Rural Protection (RP).  
*[Evidence: The goal of this project is to allow for the cultivation of an agricultural product, hemp, on a parcel of land with an (RP) General Plan designation. The project is consistent with the General Plan designation of Rural Protection (RP) as*

*it provides "low-intensity agriculture." The (RP) General Plan designation is compatible with the existing Open-Space (OS-40) zoning designation. The proposed project is relatively small(11,410 Square Feet) and located on previously disturbed land. This project will bring more agricultural activities to the county and is proposed to be conducted outdoors, using drip irrigation. It is also compatible with the General Plan's Conservation and Open Space Element's Goal Agriculture (AG) 1.0: Provide and maintain a viable and diverse agriculture industry in Inyo County. The applicant is proposing to grow hemp. This activity is consistent with Goal AG 1.0, as it diversifies the types of agriculture that currently exist in the County.]*

3. The proposed Conditional Use Permit is consistent with the Inyo County Zoning Ordinance, which permits hemp cultivation activities, as a conditional use, in the OS-40 zone (contingent on the proposed Variance).

*[Evidence: The OS-40 zone allows for commercial hemp cultivation with a CUP as long as the project can meet the 300-foot setback requirement. Due to the shape of the parcel and underlying geology, the applicant has also applied for a variance to encroach 295 feet into the required 300-foot setback, thus the approval of the CUP will be contingent upon the approval of the Variance. The Open Space zone, within its purpose statement, says that it is established to: encourage the protection of... agricultural lands from fire, erosion, soil destruction, pollution, and other detrimental effects of intensive land use activities, and crop cultivation is listed as a principal permitted use.]*

4. The proposed Conditional Use Permit is necessary or desirable.

*[Evidence: The General Plan's Economic Development Element states: 'Inyo County's wealth is...highly dependent on a number of activities that occur throughout the County...including grazing, mining, water transportation, and the growing of crops. These activities are expected to continue long term and are expected to remain stable throughout the time horizon of this General Plan. The applicant has stated that the goal of this project is to examine the economic viability of cultivating hemp on his property and determine what markets he can sell his product to. These goals have the potential to benefit both County businesses, and others in the State.]*

5. The proposed Conditional Use Permit is properly related to other uses and transportation and service facilities in the vicinity.

*[Evidence: The proposed conditional use permit is for a type of agricultural use. The hemp cultivation would replace a pre-existing personal vegetable garden and lawn. Due to the relatively small size of the project (11,410 square. feet), it will not cause impacts on transportation or service facilities in the vicinity as no special equipment, large vehicles, or paid employees will be needed in the production or harvesting of Hemp.]*

6. The proposed Conditional Use Permit would not, under all the circumstances of this case, affect adversely the health or safety of persons living or working in the vicinity or be materially detrimental to the public welfare.

*[Evidence: The proposed conditional use permit is to allow for hemp cultivation. This agricultural use will not change or increase the current level or general type of allowed uses in the Lone Pine area and the proposed project is located in a privately owned, isolated canyon, not visible by the town of Lone Pine or from the community in Alabama Hills; therefore, it will not create impacts on the health or safety of persons living or working in the vicinity or be materially detrimental to the public welfare.]*

7. Operating requirements necessitate the Conditional Use Permit for the site.  
*[Evidence: Hemp cultivation activities are allowed but require a conditional use permit per Inyo County Code Section 18.45.030(P) and it is, therefore, necessary for the operation of Eastern Sierra Botanicals.]*

## **CONDITIONS OF APPROVAL**

### **1. Hold Harmless**

The applicant shall defend, indemnify and hold harmless Inyo County agents, officers, and employees from any claim, action or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul an approval of the county, its advisory agencies, its appeals board, or legislative body concerning Conditional Use Permit No. CUP 2021-02/Cook. The County reserves the right to prepare its own defense.

### **2. Compliance with County Code**

The applicant shall conform to all applicable provisions of Inyo County Code and State regulations. If the use provided by this conditional use permit is not established within one year of the approval date it will become void.

### **3. Use of Pesticides**

The applicant shall obtain an Operator ID from the Agricultural Commissioner and contact Inyo County Environmental Health if they intend on using any pesticides.

## **RECOMMENDATIONS- VAR 2021-02/Cook**

Planning Department staff recommends the approval of Variance 2021-02/Cook and certify that it is exempt from CEQA.

### Variance Request & Site Characteristics

The applicant is requesting a variance to cultivate hemp in three areas on his property totaling an area of approximately 11,410 square feet (see site map). Site "A" would encroach 295-feet, site "B" would encroach 214-feet, Site "C" would encroach 290 feet, and the existing structure used for curing would encroach 272 feet into the required 300-foot setback (see site map and photos). Sites A and B will have approximately 50 hemp plants, and site C will have approximately 800 hemp plants, all planted directly into the ground. All sites will be drip irrigated from an artesian spring located on and completely contained on the property. The soils in all sites have been previously disturbed and used as a vegetable garden and lawn and naturally amended using leaf

mulch, horse manure, and cow manure. These same amendments are planned to be used in this project. The applicant shall obtain an Operator ID from the Agricultural Commissioner and contact Inyo County Environmental Health if they intend on using any pesticides or herbicides.

The applicant has requested this variance because the available growing area on this parcel is constrained by the shape of the parcel and the unique rock formations found on the property, as well as large areas of underground rocks (see site photos). The use of preexisting disturbed areas will allow the applicant to cause no new ground disturbance.

This property is located up a remote canyon southwest of Lone Pine and the surrounding parcels are state and federally owned, zoned OS-40. The nearest privately owned parcel is over a mile away, to the south, in the Alabama Hills.

#### Previous Variance History

No prior variances have been applied for regarding this property.

#### Provision for Variances

The Inyo County Zoning Ordinance states that any variance to the terms of the Zoning Ordinance may be granted if such a variance would *“not be contrary to its general intent or the public interest, where due to special conditions or exceptional characteristics of the property or its location or surroundings, a literal enforcement would result in practical difficulties or unnecessary hardships”* (Section 18.81.040).

Further, the Zoning Ordinance states that the following three Findings must be affirmed in order for any variance to be granted:

1. That there are exceptional circumstances applicable to the property involved, or to the intended use, which do not generally apply to other property in the same district.
2. That the result would not be detrimental to the public welfare, or injurious to property in the vicinity.
3. That the strict application of the regulation sought to be modified would result in practical difficulties or hardships inconsistent with, and not necessary for the attainment of, the general purposes of this title.

In addition to the above Findings specified in the Inyo County Zoning Ordinance, California State Government Code requires the following Findings for any variance:

4. The proposed variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated.
5. The proposed variance does not authorize a use or activity that is not otherwise expressly authorized by the zoning regulation governing the parcel of property.
6. The proposed variance is consistent with the General Plan.
7. The requirements of the California Environmental Quality Act have been met.

Affirmative variance Findings must describe the special circumstances that act to physically differentiate the project site from its neighbors and make it unique, and thus uniquely justified



for a variance; alternatively, negative findings must describe how the project's physical characteristics are not unique or exceptional, and therefore do not justify a variance.

ALL seven of the Findings must be affirmed in order for a variance to be approved.

#### **RECOMMENDATIONS- Variance 2021-02/Cook**

Planning Department staff recommends the approval of Variance 2021-02/Cook and certify that it is exempt from CEQA.

#### Findings

Staff has reviewed this application and can find that all seven of the required Findings can be affirmed:

1. That there are exceptional circumstances applicable to the property involved, or to the intended use, which do not generally apply to other property in the same district.  
*[Affirmative – Evidence: The property is zoned Open Space, 40 Acre minimum (OS-40), which allows for commercial hemp cultivation with a CUP as long as the project can meet the 300-foot setback requirement. The loss of suitable areas to cultivate hemp on this parcel is due to the shape of the parcel, the rock formations throughout the property and large areas of underground rocks. The Open Space zone, within its purpose statement, says that it is established to: encourage the protection of... agricultural lands from fire, erosion, soil destruction, pollution and other detrimental effects of intensive land use activities, and crop cultivation is listed as a principal permitted use.]*
2. That the result would not be detrimental to the public welfare, or injurious to property in the vicinity.  
*[Affirmative – Evidence: Approving this variance will allow for the cultivation of hemp to encroach 295-feet into a 300-foot setback. This property is located in a remote area southwest of Lone Pine and is surrounded by state and federal lands. The closest privately owned parcel with a house is located over a mile away to the south. The proposed variance will not cause a situation that could be considered detrimental to the public welfare as the proposed development is located in an isolated canyon, obscured from public view, and will not have any impact on the surrounding public lands.]*
3. That the strict application of the regulation sought to be modified would result in practical difficulties or hardships inconsistent with, and not necessary for the attainment of, the general purposes of this title.  
*[Affirmative – Evidence: The proposed project site area is constrained by the shape of the parcel, the rock formations throughout the property, and large areas of underground rocks that reduce the areas of viable land to cultivate hemp. These factors create difficulties/hardships in meeting the required setback requirements for the cultivation of hemp in the Open Space zone. Granting a variance to encroach 295-feet into a 300-foot setback would still allow the general purposes of Title 18.12 (OS) of the Zoning Code to be fulfilled, as the encroachment would not change the rural agricultural character or use of the property.]*

4. The proposed variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated.

*[Affirmative – Evidence: The project site is located in an isolated canyon in a rural area southwest of Lone Pine surrounded by state and federal lands. The applicant has designed the three plot locations to avoid any additional ground disturbance and to not disrupt the general appearance of the undeveloped hillside. The project area is located in the bottom of a small canyon out of sight from any surrounding towns, neighborhoods, or major roads. For these reasons, the requested variance to encroach into the required setback cannot be said to constitute a grant of special privileges. Rather, it allows the owner to use the property under an allowable conditional use.]*

5. The proposed variance does not authorize a use or activity that is not otherwise expressly authorized by the zoning regulation governing the parcel of property.

*[Affirmative – Evidence: The proposed variance would allow for the cultivation of hemp, a conditional use under the Open Space zoning regulations.]*

6. The proposed variance is consistent with the Inyo County General Plan

*[Affirmative – Evidence: The requested variance presents no inconsistencies with the General Plan land use designation for the project site, which is Rural Protection (RP) as it provides “low-intensity agriculture. The (RP) General Plan designation is compatible with the existing Open-Space (OS-40) zoning designation. It is also compatible with the General Plan’s Conservation and Open Space Element’s Goal Agriculture (AG) 1.0: Provide and maintain a viable and diverse agriculture industry in Inyo County. The applicant is proposing to grow hemp. This activity is consistent with Goal AG 1.0, as it diversifies the types of agriculture that currently exist in the County.]*

7. The requirements of the California Environmental Quality Act have been met.

*[Affirmative – Evidence: Variance 2021-02 is a Negative Declaration under CEQA. The proposed project has no possibility of causing significant environmental effects because the project is occurring in a location that is already disturbed and had been used previously as a vegetable garden and lawn. The applicant will be planting directly into the soil, and only naturally amending the soil with leaf mulch, and cow and horse manure. The plants will be watered using a drip-irrigated from an artesian spring located on and completely contained on the property. The flow from the spring under natural conditions at any time during the year does not create surface flow off of the property and thus is exempt from needing a water right. No listed threatened or endangered plant species are known to exist on the property and this project will not negatively impact the local community as it is located in an isolated valley surrounded by state and federal lands.]*



Conditions of Approval

**1.) Hold Harmless**

The applicant, landowner, and/or operator shall defend, indemnify and hold harmless Inyo County, its agents, officers and employees from any claim, action, or proceeding against the County, its advisory agencies, appeal boards, or its legislative body concerning Variance 2021-02/Cook or applicant's failure to comply with conditions of approval.

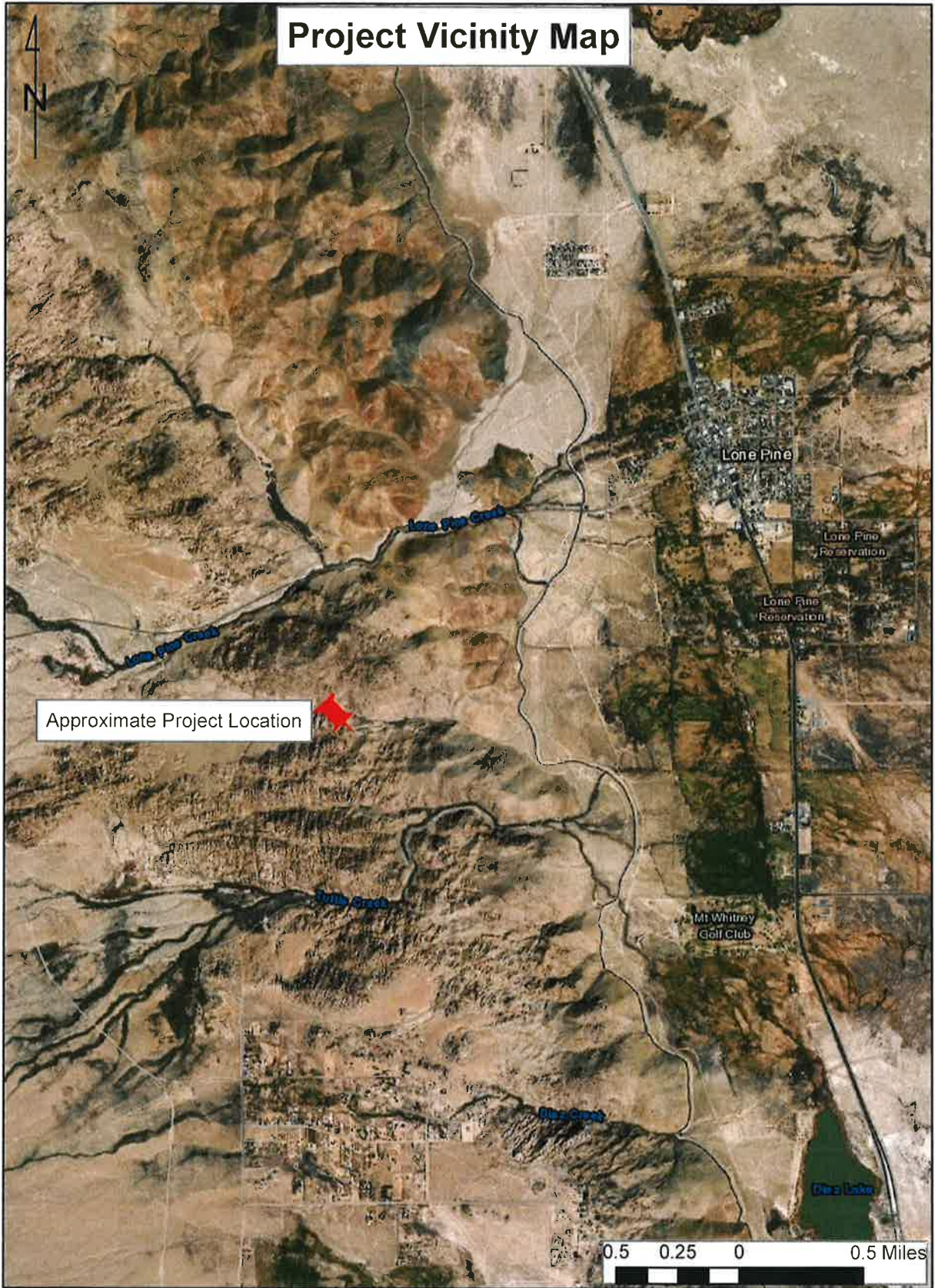
**2.) Compliance with County Code**

The applicant/developer shall conform to all applicable provisions of Inyo County Code including the Building and Safety Code and the Health and Safety Code.

Attachments:

- Vicinity Map
- Site Map
- Site Photos

# Project Vicinity Map





# Site Map



Hidden Valley Ranch Road

Site "C"

Site "A"

Existing Curing Structure

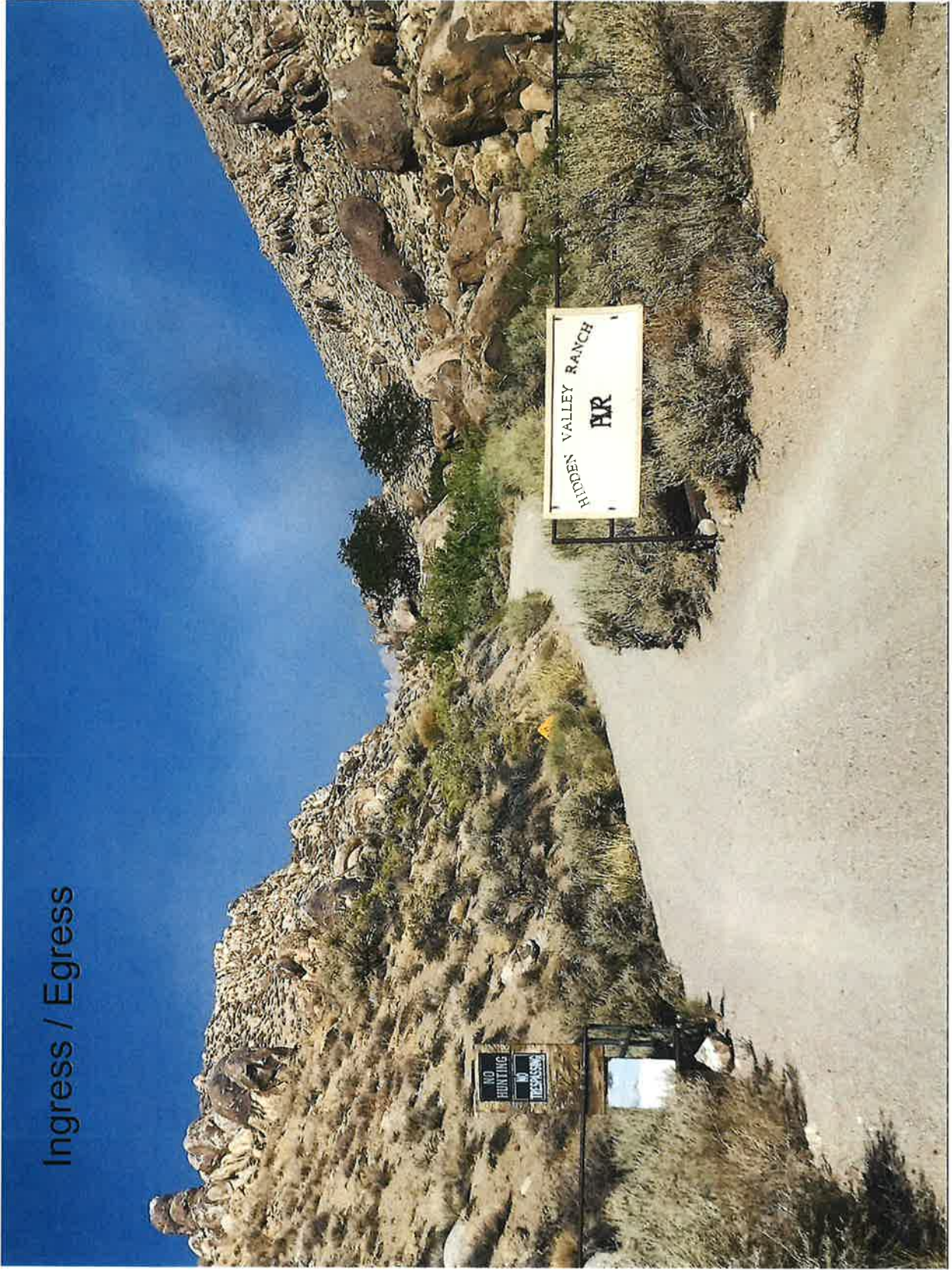
Site "B"

Proposed Hemp Cultivation Sites

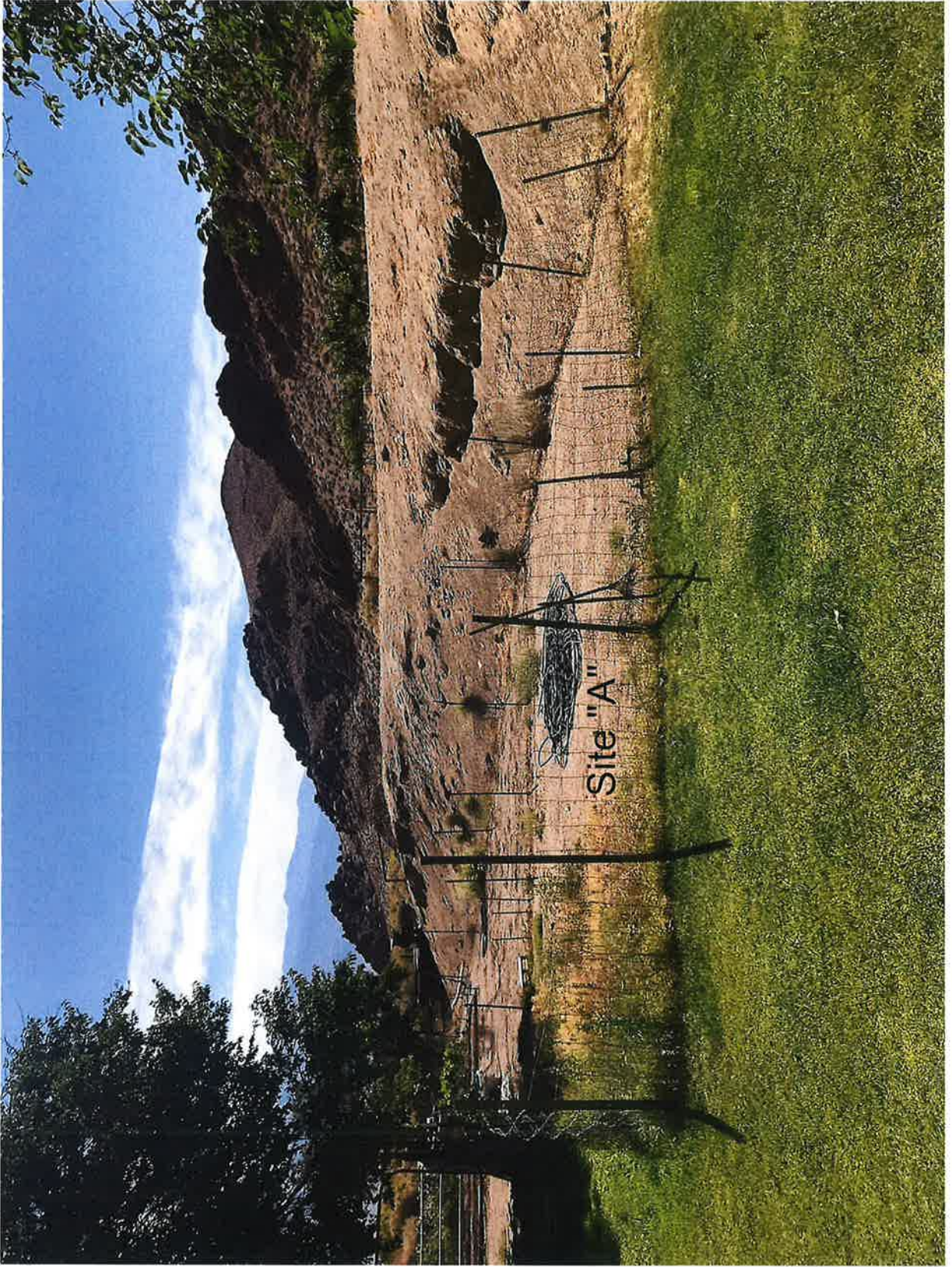
400 200 0 400 Feet



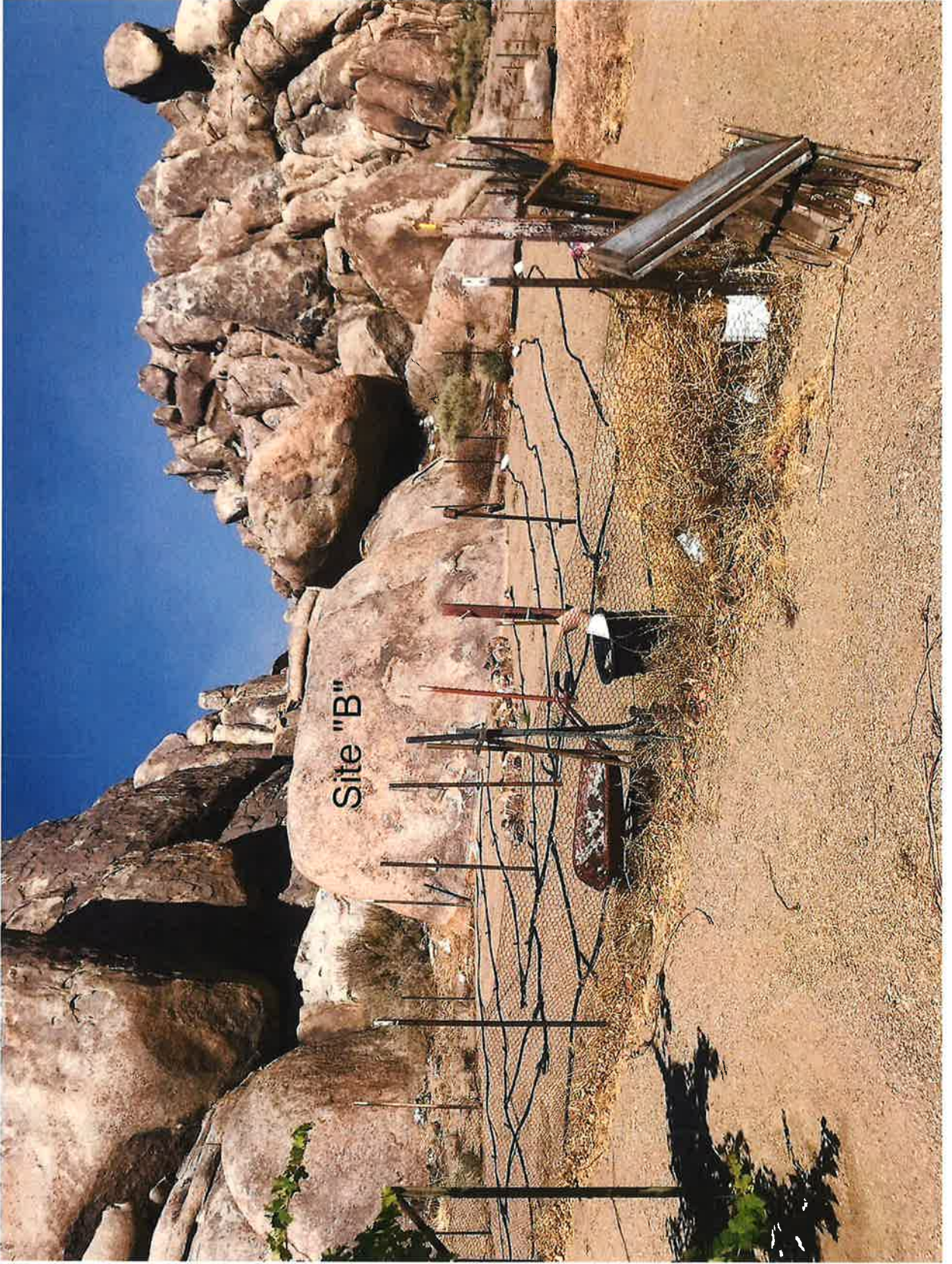
Ingress / Egress















Site "C"